

REMARKS

The Non-Final Office Action, mailed March 24, 2009, considered claims 1, 3-17, 19-32 and 34-37. Claims 1, 3-17, 19-32 and 34-37 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1 and 3-11 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.¹

By this response, claim 1 is amended such that claims 1, 3-17, 19-32, and 34-37 remain pending. Claims 1, 12, 22, and 29 are independent claims which remain at issue. Support for the amendments may be found within Specification ¶¶ 0045.²

Claims 1, 3-17, 19-32, and 34-37 were indicated as allowable if "rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112" as described within the Office Action pp. 3-4.³ Independent claims 1, 12, 22, and 29 have now been amended as indicated and the Applicants submit that the claims as now presented comply with 35 U.S.C. § 112 and should therefore now be allowable.

In particular, independent claims 1, 12, 22, and 29 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement because the Specification did not provide clear support for "the second hash function having a lower probability than the first hash function of generating an identical hash for connection identifier information from more than one remote entity."⁴

The Applicants submit that, despite the elements of the claim limitation not being present *verbatim* in the Specification, the Specification does in fact provide support for the recited elements. In particular, the Specification discloses, *inter alia*, that the first hash function is a "simple function in order to limit CPU cycles."⁵ When an entry is not found using the first hash function in a verified

¹ Although the prior art status of the cited art is not being specifically challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² However, it should be noted that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

³ Office Communication p. 4 (paper no. 20090318, Mar. 24, 2009).

⁴ Office Comm. p. 3.

⁵ See, e.g., Specification ¶ 0030.

hash table, then, "in this case," a second "cryptographically secure" hash function is used which "prevents hackers from constructing connection identifier information that hashes to the same index."⁶

The Applicants submit that to one having ordinary skill in the art, the references to a first hash function which is a "simple function in order to limit CPU cycles"⁷ and to the second hash function which is "cryptographically secure [and] prevents hackers from constructing connection identifier information that hashes to the same index"⁸ can correctly be interpreted as "the second hash function having a lower probability than the first hash function of generating an identical hash for connection identifier information from more than one remote entity." In other words, because the second hash function is "cryptographically secure" and because it "prevents hackers from constructing connection identifier information that hashes to the same index,"⁹ it *necessarily* has a lower probability of generating an identical hash for the connection identifier information from more than one remote entity than does the "simple" first hash function.¹⁰

Because, as the Applicants have discussed, the Specification does provide support for the second hash function having a lower probability than the first hash function of generating an identical hash for connection identifier information from more than one remote entity, the Applicants respectfully request the rejection of claims 1, 3–17, 19–32, and 34–37 under 35 U.S.C. § 112, first paragraph, based upon this limitation be withdrawn.¹¹

Additionally, claims 1 and 3–11 were rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter regarded as the invention.¹² In particular, the Office asserted that the "information previously supplied to the remote entity" did not

⁶ See, e.g., Specification ¶ 0031.

⁷ See, e.g., Specification ¶ 0030.

⁸ See, e.g., Specification ¶ 0031.

⁹ See, e.g., Specification ¶ 0031.

¹⁰ Indeed, the secure second hash function having a lower probability of computing to the same index than the first simple hash function is why the secure hash function is used for lookup in the unverified hash table – as is described throughout the Specification.

¹¹ If the Examiner still objects to the particular language used by the Applicants in this limitation of the claims, the Applicants would appreciate and welcome a telephone conversation with the Examiner in order to possibly determine language which may be acceptable to the Office.

¹² Office Comm. p. 3.

have support within "previous limitations" of the claim(s).¹³ Independent claim 1 has now been amended to more clearly recite the particular limitations(s).

In particular, claim 1 has been amended to recite, *inter alia*, "... comparing secret information received within the packet of data with other information which had been previously supplied to the remote entity by the local server" The "other information," introduced within the claim in this limitation, is now clearly identified as "information which had been previously supplied to the remote entity by the local server."

As the information is clearly identified, the Applicants now submit that the rejection under 35 U.S.C. § 112, second paragraph, is now cured and should therefore be withdrawn. Accordingly, the Applicants respectfully request the rejection be withdrawn.

As the Office indicated that claims 1, 3-17, 19-32, and 34-37 would be "allowable if rewritten or amended to overcome the rejections(s) under 35 U.S.C. § 112,"¹⁴ in view of the amendments and in further view of the above discussion, the Applicants respectfully request each of claims 1, 3-17, 19-32, and 34-37 now be allowed.

In view of the foregoing, Applicant respectfully submits that all the rejections to the independent claims are now moot and that the independent claims are now allowable over the cited art, such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice, and particularly with regard to the dependent claims.

¹³ Office Comm. pp. 3-4.

¹⁴ Office Comm. p. 4.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 24th day of June 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger". The signature is fluid and cursive, with the first name "Rick" and last name "Nydegger" clearly distinguishable.

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